



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,164	01/31/2002	Jose Bustos	11381-2	6531

1059 7590 07/29/2003

BERESKIN AND PARR
SCOTIA PLAZA
40 KING STREET WEST-SUITE 4000 BOX 401
TORONTO, ON M5H 3Y2
CANADA

EXAMINER

PRITCHETT, JOSHUA L

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,164

Applicant(s)

BUSTOS, JOSE

Examiner

Joshua L Pritchett

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Amendment A (Paper No. 4) filed May 27, 2003. Claims 1, 6, 10, 17-18 have been amended as requested by the applicant and claims 12 and 16 have been canceled as requested by the applicant.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6-9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skiver in view of Tu and Hodny (US 1,687,572).

Regarding claim 1, Skiver in combination with Tu teaches the invention as claimed and discussed in the Previous Office Action (Paper No. 3) on page 4, but lack the newly added feature of the rearview mirror extending 80% of the way across the windshield. Hodny teaches the use of a rearview mirror that extends across at least 80% of the windshield (col. 1 lines 15-18). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the rearview mirror extend at least 80% of the way across the windshield as taught by Hodny for the purpose of reducing the size and amount of blind spots a driver experiences while operating the automobile.

Art Unit: 2872

Regarding claims 2-4, claims 2-4 are rejected for the same reasons stated in the Previous Office Action (Paper No. 3) on page 4.

Regarding claim 6, Skiver in combination with Tu teaches the invention as claimed and discussed in the Previous Office Action (Paper No. 3) on page 5, Tu further teaches the newly added limitation of two mounts (52) to attach the rearview mirror to the windshield, but lacks reference to the newly added feature of the rearview mirror extending 80% of the way across the windshield. Hodny teaches the use of a rearview mirror that extends across at least 80% of the windshield (col. 1 lines 15-18). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the rearview mirror extend at least 80% of the way across the windshield as taught by Hodny for the purpose of reducing the size and amount of blind spots a driver experiences while operating the automobile. It would further have been obvious to include the mounting system of Tu in the Skiver invention for the purpose of being able to move the rearview mirror to adjust for the varying heights of different drivers.

Regarding claims 7-9 and 20, claims 7-9 and 20 are rejected for the same reasons discussed in the Previous Office Action (Paper No. 3) on pages 5-6.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skiver in view of Tu and Hodny as applied to claim 1 above, and further in view of Goosen.

Claim 5 is rejected for the reasons stated in the Previous Office Action (Paper No. 3) on page 6.

Art Unit: 2872

Claims 10-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tu in view of Sorenson.

Regarding claim 10, claim 10 has been amended to include the limitations of claims 12 and 16. The elements of claim 10 are discussed in the rejections of claims 10, 12 and 16 of the Previous Office Action (Paper No. 3) on pages 3, 6-7 and 7 respectively.

Regarding claim 11, claim 11 is rejected for the same reasons discussed in the Previous Office Action (Paper No. 3) on page 3.

Regarding claims 13-14, claims 13-14 are rejected for the same reasons as stated in the Previous Office Action (Paper No. 3) on pages 6-7.

Claims 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tu in view of Sorenson as applied to claim 14 above, and further in view of Official Notice.

Claims 15 and 17-19 are rejected for the same reasons discussed in the Previous Office Action (Paper No. 3) on pages 7-8.

Response to Arguments

Applicant's arguments filed May 27, 2003 have been fully considered but they are not persuasive.

On page 4 of Amendment A, applicant argues that Skiver does not teach the new limitation of the rearview mirror extending at least 80% across the windshield. The examiner

Art Unit: 2872

agrees, but a newly added reference has been included in the rejection that teaches the newly added subject matter.

On page 4 of Amendment A, applicant argues that Tu teaches only on telescopic mount and not the claimed pair of mounts. The examiner admits that Tu teaches only a single telescopic body; however the claim limitation of claim 6 as discussed states that the mounts (reference number 52 in Tu) must each comprise an adjustable mount. Both mounts (52) of Tu are connected to the telescopic body taught by Tu, thus satisfying the claim language.

On pages 4-5 of Amendment A, applicant argues that Tu uses suction cups that could be dangerous. The examiner views this argument as a commentary on the Tu reference not an argument relative to the merits of the case, because the case lacks any limitation that the rearview mirror not include suction cups. Therefore the examiner feels that the use of the Tu reference is justified.

On page 5 of Amendment A, the applicant argues that there is not motivation to combine the U-shaped bracket of Sorenson and the ball in socket bracket of Tu. The examiner provided the motivation for this combination on page 7 of the Previous Office Action (Paper No. 3). The motivation provided was to limit the movement of the mirror to only one direction. This motivation is seen as justified because due to the extremely large size of the rearview mirror to move the mirror in any direction other than up and down would potentially damage the interior of the automobile.

On page 5 of Amendment A, the applicant argued that art needed to be provide to support the Official Notice taken in the rejection of claim 15. Brester as listed in the pertinent prior art

section of the Previous Office Action (Paper No. 3) on page 9 teaches the use of serrated flanges in Figs. 3 and 4 and in col. 2 lines 27-30 and 45-47.

On page 5 of Amendment A, the applicant argued that Tu does not teach the claim limitation about the opening extending at a preselected eccentric angle. The socket portion (48) is attached to the base (38); the ball (66) fits into the opening of the socket (48). The claim language preselected eccentric angle can be interpreted as meaning any angle chosen by the user of the rearview mirror. The fact that the ball (66) can rotate in the socket (48) means that the ball can be inserted into the socket opening at any desired angle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schroeder (US 2,573,812) teaches a rearview mirror extending across the entire windshield.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2872

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L Pritchett whose telephone number is 703-305-7917. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 703-305-0024. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JLP
July 18, 2003



Thong Nguyen
Primary Examiner